UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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'08 MJ 0798

UNITED STATES OF AMERICA, Plaintiff vs. (1)Octavio RUIZ-Gomez; (2)Jorge ACUNA Betancourt; and (3)Jorge AMES Barr- Defendants.	Magistrate's Case Number: 798 COMPLAINT FOR VIOLATION OF: Title 8, United States Code Section 1324(a)(1)(A)(ii)-Bringing in aliens for financial gain (Felony)

The undersigned complainant being duly sworn states:

That on or about March 12, 2008, within the Southern District of California, defendants (1)Octavio RUIZ-Gomez; (2)Jorge ACUNA Betancourt; and (3)Jorge AMES Barr did knowingly and intentionally in reckless disregard of the fact that aliens, namely Braulio GOMEZ Villa, Jose Luis CRUZ Quinones, and Mauricio SANCHEZ-Contreras, who had not received prior official authorization to come to, enter and remain in the United States. RUIZ, ACUNA, and AMES did willfully bring to and attempt to bring to the United States such aliens, a felony, in that the defendant committed the offense for the purpose of commercial advantage and private gain in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

The complainant states that this complaint is based on the attached statement of facts, incorporated herein by reference.

Signature of Complainant
John Chakwin, III, Special Agent
U.S. Immigration and Customs Enforcement

Ruiz, Acuna: Arnes. GJM

Sworn to before me and subscribed in my presence this 13th day of March, 2008.

UNITED STATES MAGISTRATE JUDGE

Gvm

United States of America
VS.
Octavio RUIZ-Gomez;
Jorge ACUNA-Betancourt;
and Jorge AMES-Barr

PROBABLE CAUSE STATEMENT

I, Special Agent John Chakwin, III, declare under the penalty of perjury, the following is true and correct:

These facts are based on my personal participation in this investigation and on written statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the Defendant named in the attached complaint committed the crimes charged in the complaint.

The complainant states that Jose Luis CRUZ-Quinones, Braulio GOMEZ-Villa, and Mauricio-SANCHEZ Contreras are citizens of Mexico; therefore deportable. The aforementioned individuals' testimony is material and it is impracticable to secure their attendance at trial by subpoena; and are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 12, 2008, at approximately 0734 hours, Customs and Border Protection (CBP) Marine Interdiction Agents (MIA) received a call from Special Agent M. Levan. S/A Levan had received a call from a private vessel towing company regarding a drifting vessel with approximately fifteen (15) persons onboard at coordinates 32.44.25N 117.25.08W. CBP MIA responded to the coordinates aforementioned at approximately 0807 hours. The vessel was located approximately twelve (12) miles offshore of Point Loma, CA. CBP MIA activated emergency equipment and identified themselves as CBP Agents. The vessel, identified as a 24' 1978 Skipjack bearing California registration number CF1655GJ, was without power and had four (4) females and eleven (11) males onboard. All subjects onboard freely admitted to being citizens of Mexico and present in the United States without proper documentation. The vessel and all occupants were transported to the Marine Corps Recruit Depot and turned over to the Immigration and Customs Enforcement (ICE) Marine Task Force (MTF) for further investigation.

Occupants onboard the vessel informed ICE MTF Agents, CBP MIA, and Border Patrol (BP) Agents that they had left Popotla, Mexico (near Rosarito, Mexico) approximately two (2) days earlier, and traveled to the Coronado Islands on a different vessel. Once at the Coronado Islands, the occupants claimed they boarded the vessel upon which they were apprehended, but had been adrift in the ocean since late night March 10, 2008 to early March 11, 2008 due to a

GJM

broken engine.

MTF Agents, with the assistance of Border Patrol, were able to identify three (3) male drivers of the vessel (CF1655GJ) through Sworn Witness Statements, particularly through the statements of Jose Luis CRUZ-Quinones, Braulio GOMEZ-Villa, and Mauricio SANCHEZ-Contreras. CRUZ, GOMEZ, and SANCHEZ provided sworn statements that identified Octavio RUIZ-Gomez, Jorge Enrique ACUNA-Betancourt, and Jorge Leonardo AMES-Barr as the operators of the vessel. CRUZ, GOMEZ, and SANCHEZ all identified RUIZ as the primary operator of the vessel while identifying ACUNA and AMES as assistants to RUIZ. In addition, CRUZ, GOMEZ, and SANCHEZ noted that they were going to pay $3,500.00 to $4,500.00 each to be smuggled from Mexico into the United States.

All passengers onboard the vessel (CF1655GJ) were questioned about the alien smuggling venture and all claimed that they were in fear of their lives while onboard the vessel. All passengers onboard also stated that there was no food or water provided for them.

Post-Miranda warning, RUIZ claimed that he was not the vessel operator. RUIZ stated that he was going to be smuggled into the United States just as all of the others onboard, and the real vessel operator had already been picked up by another boat once the vessel they were on had become disabled.

Post-Miranda warning, AMES stated that approximately ten (10) months ago he was looking for employment in the Rosarito, Mexico area. AMES stated that an individual known as “Cacheton” approached him and offered him $500.00 to work as a co-pilot on a boat smuggling operation. AMES claimed that he had smuggled aliens on two prior occasions, being successful on his first smuggling operation and apprehended on his second. AMES claimed that he had smuggled six (6) aliens into the United States on both his first and second smuggling operations. AMES claimed that he was not the smuggler on this operation; he was merely a passenger hoping to be smuggled into the United States. AMES was quick to identify RUIZ and ACUNA as the alien smugglers onboard the vessel (CF1655GJ).

Post-Miranda warning, ACUNA stated he was not one of the smugglers onboard the vessel (CF1655GJ), he too was paying to be smuggled into the United States. ACUNA failed to identify any smugglers onboard the vessel.

RUIZ, AMES, and ACUNA were all offered the opportunity to request for any/all of the other occupants onboard the vessel to be held in the United States to testify on their behalf. RUIZ, AMES, and ACUNA all declined.

RUIZ, AMES, and ACUNA were all arrested for violating Title 8 United States Code (USC), Sections 1324- bringing in aliens for financial gain, a felony. RUIZ, GJm

AMES, and ACUNA were booked into the Metropolitan Correctional Center, San Diego, California for detention.

CRUZ, GOMEZ, and SANCHEZ were brought into the Metropolitan Correctional Center in San Diego, CA for detention under 18 United States Code 3144-Material Witnesses.